

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

IN RE:

CORONA VIRUS (COVID19) PUBLIC
EMERGENCY

Misc. No. 20-0088 (GAG)

**FIFTH AMENDED ORDER EXTENDING AUTHORIZATIONS
UNDER §15002(b)(1) OF THE CARES ACT**

On March 31, 2020, the Court issued an *Order*, pursuant to §15002(b)(1) of the Coronavirus Aid, Relief and Economic Security (“CARES”) Act, H.R. 748, allowing the use of video conferencing, or telephone conferencing if video conferencing was not reasonably available, with the consent of the defendant, for a series of criminal case hearings during the current COVID-19 emergency.¹

On June 24, 2020, September 21, 2020, December 15, 2020, March 22, 2021 and June 18, 2021, respectively, due to the continuing public health and safety conditions related to the COVID-19 pandemic in Puerto Rico, its impact on the District Court’s operations, and upon a careful review of the previously granted authorizations under §15002(b)(1), the Court issued *Orders* granting a 90-day extension of such authorizations² for all the events listed in the Court’s March 31, 2020 *Order*.³ The extension *Orders* were effective on June 29, 2020, September 28, 2020, December 28, 2020, March 26, 2021 and June 25, 2021, respectively.

The CARES Act requires that 90 days after the above authorizations under §15002(b)(1) expire, the chief judge must “review the authorization and determine whether to extend the authorization.”⁴ If extended, the chief judge must “review the extension of authority not less frequently than once every 90 days until the earlier of—(i) the date on which the chief judge (or

¹ See *In Re: Corona Virus (COVID19) Public Emergency*, Misc. No. 20-088 (GAG), ECF 13. In the *Order*, the Court also found that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure could not be conducted in person in this district without seriously jeopardizing public health and safety. Judges were therefore authorized in individual cases to use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in such case.

² See CARES Act, §15002(b)(3)

³ See *In Re: Corona Virus (COVID19) Public Emergency*, Misc. No. 20-088 (GAG), ECF 18, 23, 29, 32 & 36.

⁴ See CARES Act, §15002(b)(3)(A)

In Re. Corona Virus (COVID19) Public Emergency

Page - 2

other judge or justice) determines the authorization is no longer warranted; or (ii) the date on which the emergency authority is terminated under paragraph (5).”⁵

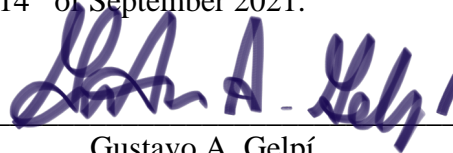
Since the public health and safety concerns related to the COVID-19 pandemic in Puerto Rico continue to impact the District Court’s operations, and upon careful review of the previously granted authorizations under §15002(b)(1), a new 90-day extension is granted, unless terminated earlier,⁶ for all the events listed in the Court’s March 31, 2020 *Order*.

This order shall take effect on Friday September 24, 2021. If emergency conditions continue to exist, at the end of the 90-day period, this authorization will be reviewed and extended accordingly.

All existing Standing Orders of this court remain in full force and effect.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 14th of September 2021.



Gustavo A. Gelpi
Chief, US District Judge

⁵ See §15002(b)(3)(B).

⁶ See §15002(b)(3)